

REMARKS

Applicant appreciates the time taken by Examiner Oyeibisi to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed January 14, 2008. This Reply encompasses a bona fide attempt to overcome the rejections raised by Examiner Oyeibisi and presents amendments as well as reasons why Applicant believes that the claimed invention, as amended, is novel and unobvious over the applied prior art. Accordingly, Applicant respectfully requests reconsideration and favorable action in this case.

Claim Status

Claims 1-36 were pending. Claims 1-6, 8, 10-16, 18, 20-22, 24-29 and 31-36 are amended herein. Support for the amendments to claims 1-6, 8, 10-16, 18, 20-22, 24-29 and 31-36 can at least be found at paragraphs 5, 18-22 and 24--33. Claims 37-40 are added. Thus, Claims 1-40 are pending.

Interview Summary

Pursuant to Applicant Initiated Interview Request submitted February 11, 2008, a telephonic interview was conducted on February 25, 2008 between Examiner Oyeibisi and Agent Gust. During the interview, differences between embodiments as claimed and the cited references, as well as possible claim amendments were discussed. Applicant appreciates the time and effort taken by Examiner Oyeibisi to review Applicant's present application and discuss the pending claims and the cited prior art.

Rejections under 35 U.S.C. § 103

Claims 1-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,974,396 ("Anderson") in view of "*net.Genesis Announces Most Valuable Customer™ Segmentation Package*," from PR Newswire ("net.Genesis"). Arguments submitted in the previous Reply dated November 6, 2007, June 22, 2007 and December 21, 2006 are expressly incorporated herein by reference. The rejection is respectfully traversed. Independent claims 8, 22 and 31, recite limitations similar to those recited in claim 1.

Accordingly, traversal to the rejection will be collectively discussed herein with respect to claim 1.

In rejecting claim 1, the Examiner states, on page 4, that

“it would have been obvious to include the teachings of Newswire to the disclosure of Anderson so that as e-businesses continue to proliferate, so too would the need to evaluate online sales and marketing initiatives.”

Furthermore, the Examiner states, on pages 10-11 that “...to the extent that the applicant tries to distinguish his invention over the prior art...”, the applicant fails to translate this into the claims.

Claim 1 as amended recites:

A market analysis system comprising:

a computer processor;

a computer readable storage medium;

a database stored on the computer readable storage medium comprising aggregate transaction data; and

a software program stored on the computer readable storage medium executable by the processor to:

receive a set of transaction data from an electronic exchange where market transactions are conducted electronically via the Internet;

store the set of transaction data in the database;

define standard pricing groups according to configuration information received at the market analysis system from one or more suppliers that participate in the electronic exchange, wherein the configuration information includes standard pricing group attributes, wherein the standard pricing group attributes include a value corresponding to a delivery term, a locale, a product, a service, a customer type, a time scale, or a sales channel;

categorize products and services from the aggregate transaction data into the standard pricing groups utilizing the standard pricing group attributes;

determine at least one statistical analysis to be applied to a standard pricing group;

define starting values and default parameters of the at least one statistical analysis to be applied to the standard pricing group; and

apply the at least one statistical analysis to the standard pricing group to derive a set of results, wherein the set of results include a time-windowed relationship within the standard pricing group.

Thus, embodiments disclosed by Applicant may receive a set of transaction data, store the data in a database, define standard pricing groups according to configuration information received at the market analysis system from one or more suppliers that participate in the electronic exchange categorize products and services from the aggregate transaction data into the standard pricing groups utilizing the standard pricing group attributes, determine at least one statistical analysis to be applied to a standard pricing group, define starting values and default parameters of the at least one statistical analysis to be applied to the standard pricing group and apply the at least one statistical analysis to the standard pricing group to derive a set of results. The configuration information may include standard pricing group attributes, wherein the standard pricing group attributes include a value corresponding to a delivery term, a locale, a product, a service, a customer type, a time scale, or a sales channel. The information may be an estimate of demand elasticity for the product or service, an average price, a prediction about future market behavior, a particular supplier's performance, unsuccessful sales transactions, a supplier's willingness to sell, the probability that a supplier will win a contract, an expected price distribution, or an expected price development curve. (See, paragraphs [0029]-[0033].) The set of results may include a time-windowed relationship within the standard pricing group.

In contrast, an analysis performed by net.Genesis or Anderson may be directed to customer buying habits or how top customers behave differently from average or below-average customers. Thus, Applicant's analysis of standard pricing groups may produce a different result from any analysis performed by Anderson or net.Genesis.

For at least the foregoing reasons, Applicant respectfully submits that claim 1 and hence dependent claims 2-7 recite subject matter not reached by Anderson and net.Genesis under 35 U.S.C. § 103(a) and therefore should be allowed. For similar reasons, claims 8-40 are submitted to be patentable over Anderson and net.Genesis under 35 U.S.C. § 103(a). Accordingly, withdrawal of this rejection is respectfully requested.

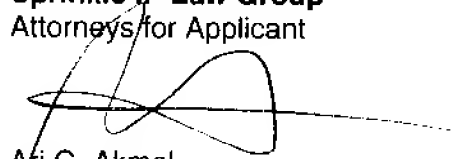
Conclusion

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include any acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-40. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group
Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'Ari G. Akmal', written over a horizontal line.

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